

Notice of Allowability

Application No.

10/052,678

Examiner

Allyson N. Trail

Applicant(s)

MOORE ET AL.

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed February 21, 2006.
2. ☒ The allowed claim(s) is/are 62-83.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Amendment

1. Receipt is acknowledged of the Amendment filed February 21, 2006.

Remarks

2. The current amendment has cancelled claims 18-28 and 46-61 and has added claims 62-83. Claims 27, 28, 48, 49, 56 and 57 were indicated to be allowable if amended to contain the limitations of their base claims and any intervening claims in the previous Office action. New claim 62 recites the limitations formerly found in claim 27, along with the limitations formerly found in base claim 18 and intervening claims 25 and 26. Therefore new claim 62 is in condition for allowance. New claim 69 recites the limitations formerly found in claim 28, along with the limitations formerly found in base claim 18 and intervening claims 25 and 26. Therefore new claim 69 is in condition for allowance. New claim 76 recites the limitations formerly found in claim 48, along with the limitations formerly found in base claim 46 and intervening claim 47. Therefore new claim 76 is in condition for allowance. New claim 78 recites the limitations formerly found in claim 49, along with the limitations formerly found in base claim 46 and intervening claim 47. Therefore new claim 76 is in condition for allowance. New claim 80 recites the limitations formerly found in claim 56, along with the limitations formerly found in base claim 54 and intervening claim 55. Therefore new claim 80 is in condition for allowance. Lastly, new claim 82 recites the limitations formerly found in claim 57, along with the limitations formerly found in base claim 54 and intervening claim 55. Therefore new claim 82 is in condition for allowance.

Allowable Subject Matter

3. Claims 62-83 are allowable.

The following is an examiner's for allowance: Prior art teaches a method of capturing multiple images of packages moving along a conveyer belt and combining the images in order to decode the barcode. Prior art further teaches a user-specifying image capturing device. The above identified prior art of record, taken alone, or in combination with any other prior art however, fails to teach or fairly suggest the specific feature of the present claimed invention, such as instructions to switch from one source to another source in response to an occurrence of user-specified criteria, wherein the user-specified data criteria includes an image-capture-quantity parameter and a time parameter. Moreover, one of ordinary skill in the art would not have been motivated to come to the claimed invention.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allyson N. Trail whose telephone number is (571) 272-2406. The examiner can normally be reached between the hours of 7:30AM to 4:00PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571) 272-2398. The fax phone number for this Group is (571) 273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [allyson.trail@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Allyson N. Trail
Patent Examiner
Art Unit 2876
April 14, 2006


STEVEN S. PAIK
PRIMARY EXAMINER